

REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

1. Editorially amend the Abstract.
2. Add new independent claim 63.
3. Amend claims 2, 3, 8, 9, 10, and 11 so that all of claims 2 – 6 and 8 – 12 now ultimately depend from new independent claim 63.
4. Cancel claims 1, 7, without prejudice or disclaimer.
5. Advise the Examiner of the simultaneous filing of a Petition to Extend and the previous filing on July 25, 2006 of an Information Disclosure Statement (IDS).

B. PATENTABILITY OF THE CLAIMS

Original claims 2 – 12 were indicated as including allowable subject matter. Applicants now present new independent claim 63 which includes, e.g., various limitations from original (now cancelled) independent claim 1 and allowable dependent claim 7. New independent claim 63 further additionally specifies that the pump thereof is of a type wherein the piezoelectric actuator is responsive to a drive signal for drawing fluid into the pumping chamber and expelling fluid from the pumping chamber. This further subject matter is manifest throughout the original disclosure. In view of the record as now established, independent claim 63 and claims 2 – 6 and 8 – 12 dependent thereon are all deemed allowable.

C. INFORMATION DISCLOSURE STATEMENT (IDS)

An Information Disclosure Statement (IDS) was electronically filed on July 25, 2006. The Information Disclosure Statement cites, e.g., references that were cited in U.S.

Office Actions from the US Patent Office in co-pending applications, including one or more of US SN 10/815,999; US SN 10/816,000; and US SN 10/815,975. Among references directly applied in other applications are US 6,428,134 to Clark et al. and US Patent Publication US 2004/0145273 to Khoury et al.. Applicants believe that neither of these two references or others listed in the IDS provide a basis for denying patentability for the claims as now amended. For example, although US 6,428,134 to Clark et al. has a printer performance lookup table and a waveform generator, Clark pertains to a print head and not a device which draws fluid into a pumping chamber and expels fluid from the pumping chamber, and accordingly does not teach or suggest storing waveform shape data for optimizing operation of a device that both inhales and exhales.

C. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly solicited.

The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

VOGELEY et al
Serial No. 10/815,978

Atty Dkt: 4209-46
Art Unit: 3746

Respectfully submitted,

NIXON & VANDERHYE P.C.

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